

12/2/2013

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

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OFFICE OF
ENVIRONMENTAL CLEANUP

ATTORNEY-CLIENT PRIVILEGED
ATTORNEY WORK PRODUCT
ENFORCEMENT CONFIDENTIAL
FOIA EXEMPT - DO NOT RELEASE

MEMORANDUM

SUBJECT: (b)(5), (b)(5) attorney-client, (b)(5) attorney work product Region 10 Removal Sites,
UPS Motor Carrier Facility, SSID 10MM, CERCLIS ID# None
Thomason Chemical Co., SSID 10MF, CERCLIS ID#IDN001003109
Josephine Mill #2, SSID 10FH, CERCLIS ID# None

FROM: Dan Heister, OSC/000
Earl Liverman, OSC/Coeur d'Alene Office

Cliff Villa, Assistant Regional Counsel
Richard Mednick, Assistant Regional Counsel

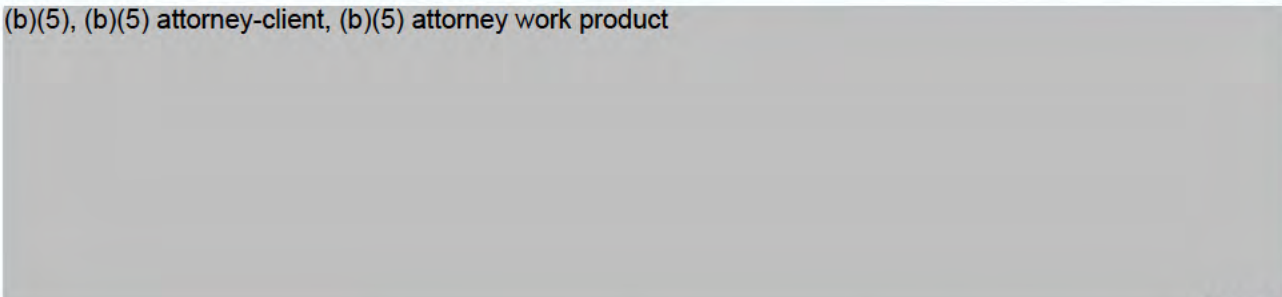
THRU: Calvin Terada, Unit Manager
Emergency Response Unit,
Emergency Management Program

Cyndy Mackey, Unit Manager
Office of Regional Counsel

TO: Richard Albright, Director
Office of Environmental Cleanup

Background

(b)(5), (b)(5) attorney-client, (b)(5) attorney work product



USEPA SF



1408149

(b)(5), (b)(5) attorney-client, (b)(5) attorney work product

UPS Herbicide, SSID# 10MM, CERCLIS ID# None

On March 1, 2013, the National Response Center received a call from the United Parcel Service Facility, located at 11818 NE Marx St, Portland, Oregon, regarding a spill of herbicide. A shipping container was brought to their facility that carried three 250-gallon plastic totes of herbicide. One of the totes was ruptured at the top and had lost approximately 35 gallons of product. UPS Facility Manager Daren Rodgers had also contacted the Portland Fire Department who dispatched their Hazmat Team 1 to the site.


EPA's On-Scene Coordinator Daniel Heister contacted Rodgers to learn more about the incident. Rodgers told OSC Heister that Portland Hazmat Team 1 had responded overnight, booming off the spill to prevent it from reaching the nearby Columbia Slough. OSC Heister asked Rodgers how the material had been identified as an herbicide. Rodgers stated that the Bill of Lading and attached Material Safety Data Sheet stated the contents as an herbicide. Rodgers did not identify any Federal Insecticide Fungicide and Rodenticide Act (FIFRA) required labeling on the totes.

OSC Heister contacted his manager, Calvin Terada, to discuss the case and express his concern about possible failure of proper FIFRA labels on the shipping totes. As a result of this conversation, OSC Heister visited the site and met with Rodgers. Together they examined the totes, which had been placed in temporary storage awaiting shipping, and found the FIFRA labels inside a clear plastic pouch affixed to the totes. OSC Heister told Rodgers that the response was appropriate and thanked Rodgers for his time.

Minimal costs (less than \$200) were incurred for this emergency response without order. Since minimal costs were incurred, EPA recommends that cost recovery **not** be pursued and the Site can be closed out accordingly.

(b)(5), (b)(5) attorney-client, (b)(5) attorney work product

(b)(5), (b)(5) attorney-client, (b)(5) attorney work product



Approval

Signature: _____

Richard Albright, Director
Office of Environmental Cleanup

Date: 12/12/13

Disapproval

Signature: _____

Richard Albright, Director
Office of Environmental Cleanup

Date: _____

Itemized Cost Summary

JOSEPHINE MILL #2, METALINE FALLS, WA SITE ID = 10 FH

Estimated Response Costs From Day 1 Through 09/19/2013

REGIONAL PAYROLL COSTS	\$306.36
SF TECHNICAL ASSISTANCE & RESPONSE TEAM (START)	
ECOLOGY AND ENVIRONMENT (68-S0-0101)	\$5,534.21
EPA INDIRECT COSTS	\$2,040.14
Total Site Costs:	<hr/> \$7,880.71 <hr/>

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U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT



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Quick Links



Josephine Mine and Mill Site

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BLM District	Spokane (WA)	BLM Field Office	Border
Congressional District	Washington 5th	AMLIS #	11017
State Office Contact	John Barber	HUC # /Subbasin	17010216
Field Office Contact	Elizabeth Earp	Specific Watershed	Sullivan Creek-Pend Oreille
Location	North Pend Oreille County near community of Metaline Falls, Washington (T39N, R43E, Sec 16, SW 1/4; Lat. 48.88801986, Long. -117.3713558), at elevation 2,093'		
Land Ownership	BLM-administered land		
Estimated Cost	\$400,000		
Other Agency Links	Washington Dept. of Ecology		
Google Earth	Click here for map		

The Josephine Mine is situated in the northeast corner of Washington State near the community of Metaline Falls just west of the Pend Oreille River. The site consists of the South Josephine Mine and Mill #2 waste rock and tailings piles (approximately 5 acres). It is being addressed in conjunction with the nearby Yellowhead Mine and the Lookout Mine sites. During its operation from the 1930s to the 1960s, the mill processed ore from local metal mines, and mill wastes with elevated

concentrations of lead and zinc are present in several areas across the site. The site is on forested land managed by the BLM that are accessible to the public and are a part of the larger zinc-lead Metaline Mining District. Metals in the mine tailings are eroding into tributaries to the river. Remediation priorities include evaluating the stability of tailings sites and investigating alternative sites for development of a permanent repository.

The goal of remedial actions at this site would be to reduce risks to human health and the environment resulting from surface deposits of waste materials from historical mill operations. The action would be accomplished under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The proposed removal action will specifically address areas of surficial waste constituents and elimination of direct contact exposure pathway to human health, as well as risk to terrestrial ecological and aquatic pathways principally by removal of deleterious materials to permanent repository sites.

The NCP requires an Engineer Estimate/Cost Analysis (EE/CA) to identify potential removal alternatives, evaluate those alternatives, and recommend the most appropriate and protective removal action. The final (EE/CA) for the Josephine site, as well as for the nearby abandoned Lookout and Yellowhead mines was completed in 2008. Additional concerns identified during the EE/CA include physical hazards from steep slopes and unstable debris covering the piles that is being eroded by uncontrolled off-road vehicle use. Remediation will need to take into consideration in-situ stabilization, management of run-on/run-off, institutional controls, and control of off-road vehicle usage. Successful completion of this project will require continuing coordination with the Washington Department of Ecology and the EPA.

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Schmidt, Grechen

From: Liverman, Earl
Sent: Monday, November 25, 2013 8:07 AM
To: Schmidt, Grechen
Subject: RE: (b)(5), (b)(5) memo for your review
(5)

I have no attachment. I made only a brief statement re one question about whether BLM did anything at the site. As I recall, BLM performed a very limited cleanup but nothing at the mill itself.

Earl Liverman
Federal On-Scene Coordinator
US EPA Coeur d'Alene Field Office
1910 Northwest Boulevard, Suite 208
Coeur d'Alene, Idaho 83815
T - 208.664.4858; F - 208.664.5829
C - 208.651.8709

From: Schmidt, Grechen
Sent: Monday, November 25, 2013 7:18 AM
To: Liverman, Earl; Mednick, Richard
Subject: RE: Close out memo for your review

Did you send the attachment?

From: Liverman, Earl
Sent: Friday, November 22, 2013 2:22 PM
To: Mednick, Richard; Schmidt, Grechen
Subject: RE: (b)(5), (b)(5) memo for your review

Looks good. I made one comment in response to a question about BLM's activities at the site. Thank you.

Earl Liverman
Federal On-Scene Coordinator
US EPA Coeur d'Alene Field Office
1910 Northwest Boulevard, Suite 208
Coeur d'Alene, Idaho 83815
T - 208.664.4858; F - 208.664.5829
C - 208.651.8709

From: Mednick, Richard
Sent: Friday, November 22, 2013 10:50 AM
To: Schmidt, Grechen
Cc: Liverman, Earl
Subject: RE: (b)(5), (b)(5) memo for your review
(5)

Hi Grechen – Thank you for preparing the draft (b)(5), (b)(5) Josephine #2. Here is my input. I am also "ccing" Earl in case he has something he would like to add or subtract. Richard

Richard Mednick
Associate Regional Counsel
US EPA Region 10

(206) 553-1797

From: Schmidt, Grechen
Sent: Wednesday, November 20, 2013 9:17 AM
To: Villa, Clifford; Mednick, Richard
Subject: (b)(5), memo for your review
(b)(5)

Hi—
I know both of you are swamped, but would like you to take a look at this multiple site (b)(5), (b)(5) attorney-client, (b)(5) attorney work product. It covers three sites with minimal costs. Any changes would be appreciated and then I'll route for final approval. Thank you.

Grechen F. Schmidt
Investigator
USEPA Region 10
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL
CLEANUP

SUBJECT: Action Memorandum for a Time-Critical Removal Action at the
Thomason Chemical Company, Lewis County, Idaho

FROM: Diane Dettling, DD
Federal On-Scene Coordinator

TO: Calvin Terada, Manager
Emergency Response Unit *[Signature]* 21 June 2013

I. Purpose

The purpose of this memorandum is to document the decision to initiate the emergency response action described herein for the Thomason Chemical Company located in Craigmont, Lewis County, Idaho (Site).

II. Site Information

A. Site Description

Site Name:	Thomason Chemical
Superfund Site ID (SSID):	10MF
NRC Case Number:	none
CERCLIS Number:	IDN001003109
Site Location:	3 rd and Front Ave, Craigmont, Idaho 83523
County:	Lewis
Lat/Long:	Latitude: 46.2416 Longitude: -116.4703
Potentially Responsible Party (PRP):	Thomason Chemical Company, Inc.
Access:	Granted on June 14, 2013
NPL Status:	Not Listed
Removal Start Date:	June 18, 2013

B. Site Background

1. Removal Site Evaluation

The Thomason Chemical Company (Site), a family owned farm equipment manufacturer facility comprised of multiple warehouses, is located in Craigmont, Idaho within the Nez Perce Indian Reservation. According to the Idaho State Communications Center Report, the Nez Perce Tribe (Tribe) was contacted by a Site representative on April 12, 2013 about a potentially radioactive cylinder that the representative claimed to have purchased through salvage at the Hanford Reservation several

years ago.¹ The Tribe lacked resources to identify the cylinder and requested the assistance of the United States Department of Energy (DOE). On April 19, 2013, the DOE Region 8 Radiological Assistance Program (RAP) Team along with Tribal officials, the Lewiston Fire Department, the Lewis County Sheriff, and Site representatives mobilized to the Site. According to the DOE After Action Report and a discussion with DOE RAP Team Officials, it was determined that the cylinder was depleted uranium and did not present a health hazard if the cylinder remained secured in the metal ammunition container at the locked warehouse facility on Site.² A later discussion with a DOE RAP Team Official clarified that the cylinder may present a health hazard if it was not secured and in circulation in the public. For example, if depleted uranium, a chemically toxic substance, were to become processed into smaller pieces, it could cause kidney damage if ingested or inhaled. Additionally, when orphan sources can easily be acquired for malicious purposes, such as radioactive dispersal devices, they can pose a serious threat to human health and the environment.

The Idaho Department of Environmental Quality (IDEQ) attempted to work with Thomason Chemical and the United States Nuclear Regulatory Commission (NRC) to get the cylinder licensed. However, this was not feasible because there was no use for the source at the Site; it was only in storage, making it an unlicensed orphan source.³

In June 2013, IDEQ⁴ and the Tribe⁵ requested the assistance of the United States Environmental Protection Agency (EPA) with the disposal of the cylinder. On June 11, 2013, OSC Greg Weigel visited the Site with personnel from the Tribe and IDEQ. The purpose of the visit was to confirm that the cylinder was safe and secure and to investigate other alleged environmental concerns at the Site. It was discovered at that time that the cylinder had been moved, and that the Site representatives did not know of its location. It was alleged that one of the representatives had removed the cylinder to either his home or his shop with the intent of selling it. Following that site visit, OSC Weigel received an email indicating that the cylinder had been subsequently secured.⁶ Since the custody and location of the cylinder was unknown during the Site visit, there was concern that the cylinder could be transported off-Site and into the public domain, thus, presenting an actual or potential threat to human health and the environment.

2. Physical location and Site characteristics

¹ Troy Saffle. "Idaho State Communications Center Report, H-2013-00074." Department of Environmental Quality. April 19, 2013.

² Diane Clark. "After Action Report, RAP 8- Craigmont, Idaho Response." The United States Department of Energy. April 20, 2013.

³ Mark Dietrich, IDEQ. "Depleted Uranium Issue." Email to Bill Maier (NRC) & Diane Dettling (EPA). May 29, 2013.

⁴ Mark Dietrich, IDEQ. "Disposal of Depleted Uranium at the Thomason Chemical Co., Craigmont, Idaho." Email to Gabriel Bohnce (Nez Perce Tribe). June 14, 2013.

⁵ Gabriel Bohnce. "Nez Perce Tribal support for EPA's treatment and disposal of radioactive material discovered on the Nez Perce Reservation." The Nez Perce Tribal Executive Committee. June 14, 2013.

⁶ Lincoln Thomason. "From Lincoln...depleted uranium material." Email to Greg Weigel (EPA). June 12, 2013.

The Site is located on the corner of 3rd Street and Front Ave in Craigmont, Lewis County, Idaho within the Nez Perce Indian Reservation. According to the 2010 census, the population near the Site is about 500 people. Multiple residences are located adjacent to the Site.

3. Release or threatened release into the environment of a hazardous substance, pollutant or contaminant.

The contaminant of concern is Depleted Uranium (U-238, U-235, and U 234) which is a hazardous substance as defined by section 101(14) of CERCLA.

III. Threats to Public Health Welfare or the Environment

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants.

The current conditions at this Site meet the following factors which indicate that the Site is a threat to the public health or welfare or the environment, and a removal action is appropriate under § 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

B. Check applicable factors (from 40 CFR 300.415) which were considered in determining the appropriateness of a removal action:

1. Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)]. The custody and location of the cylinder was unknown during the Site visit, thus posing concern that the cylinder could have been transported off-Site and into the public domain. If depleted uranium, a chemically toxic substance, were to become processed into smaller pieces, it could cause kidney damage if ingested or inhaled.
2. The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)]. There are no other appropriate Federal or State response mechanisms that have the authority and/or resources to respond to this release. IDEQ and the Tribe requested the assistance of the EPA with the disposal of the cylinder.
3. Other situations or factors that may pose threats to the public health or welfare of the United States or the environment [300.415(b)(2)(viii)]. Since the location and custody of the cylinder was unknown during the Site visit, the possibility existed that the source could be acquired for malicious purposes. Unlicensed orphan sources that can easily be acquired for malicious purposes, such as radioactive dispersal devices

and/or other terrorist activities, could cause a serious security threat to public health and the welfare of the United States.

IV. Selected Removal Action and Estimated Costs

A. Situation and Removal Activities to Date

1. Current Situation.

The unlicensed orphan depleted uranium source is currently secured within a warehouse facility on Site. However, based on the fact that the location and custody were unknown during the Site visit and that company representatives were interested in selling the cylinder, there appears no assurance that the source will remain secure and out of the public domain.

2. Removal activities to date:

None

3. Enforcement

See Confidential Enforcement Addendum.

B. Planned Removal Actions

1. Proposed action description

EPA will package, label, and transport the cylinder for disposal at a low-level radiation waste facility in accordance with EPA's Off-Site Disposal Rule.

2. Contribution to remedial performance

At this time, no further actions are anticipated by EPA for the Site.

3. ARARs

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted.

- CERCLA Off-Site Disposal Rule, 40 CFR 300, relating to off-site land disposal restrictions for hazardous waste.
- NRC Regulations - Licensing Requirements for Land Disposal of Radioactive Waste, 10 CFR 61. The regulations in this part establish, for land disposal of radioactive waste, the procedures, criteria, and terms and conditions upon which the Commission issues licenses for the disposal of radioactive wastes containing

byproduct, source and special nuclear material received from other persons.

- US Department of Transportation, 49 CFR Parts 171-180, relating to the transportation of hazardous materials to off-site disposal facilities.

4. Project Schedule

The removal is projected to start and finish on June 18, 2013

C. Estimated Costs*

Extramural Contractor costs (ERRS)	\$35,000
Other Extramural Costs not funded from the Regional Removal Allowance (START)	\$0
Contingency costs (20% of subtotal)	\$7,000
Total Removal Project Ceiling	\$42,000

*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties will be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA. "

V. Expected Change in the Situation Should Action Be Delayed or Not Taken

A delay in action or no action at this Site would increase the actual or potential threats to the public health and/or the environment.

VI. Outstanding Policy Issues

None

VII. Approvals

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA, as amended, and is consistent with the NCP. This decision is based on the administrative record for the Site.

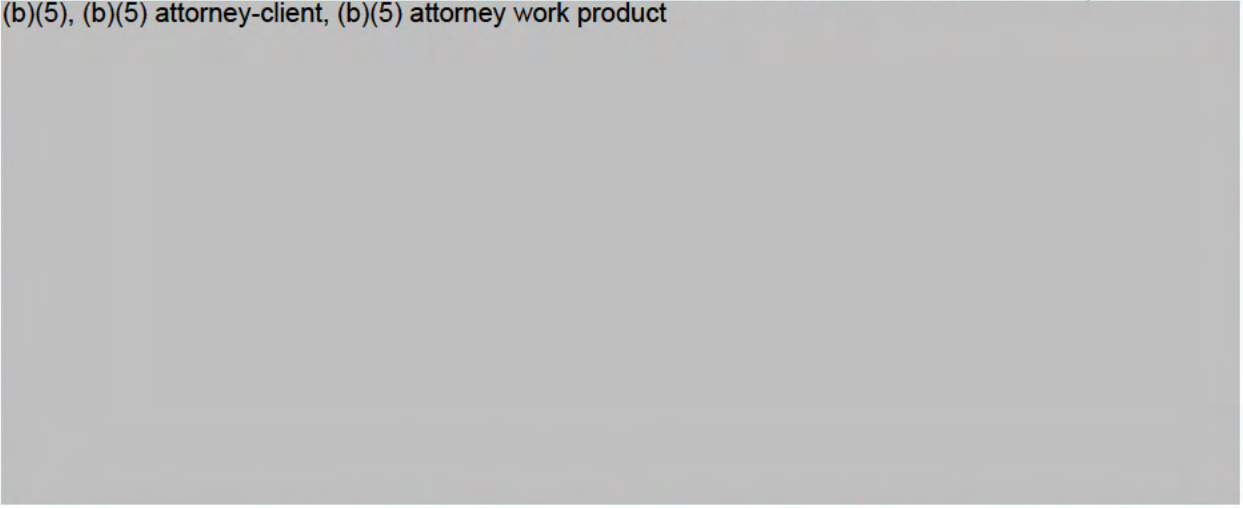
Conditions at the site meet the NCP section 300.415(b) criteria for a removal action and through this document; I am approving the proposed removal action. The total project ceiling is \$42,000 this amount will be funded from the Regional removal allowance.


Diane Dettling
Diane Dettling
Federal On-Scene Coordinator

6/18/13
Date


CONFIDENTIAL ENFORCEMENT ADDENDUM

(b)(5), (b)(5) attorney-client, (b)(5) attorney work product






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Thomason Chemical

Craigmont, ID - EPA Region X



Site Contact:
Diane Dettling
OSC
dettling.diane@epa.gov

3rd & Front Ave
Craigmont, ID 83523
epaosc.org/ThomasonChemical
Latitude: 46.2416000
Longitude: -116.4703000

[KML](#) | [RSS](#) | [site map](#) | [area map](#) | [bookmark](#)

[Bulletins](#)
None for this site.

[Images](#)
None for this site.

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The Thomason Chemical Company (Site), a family owned former farm equipment manufacturing facility comprised of a metals fabrication and manufacturing shop and surrounding property, is located in Craigmont, Idaho within the Nez Perce Indian Reservation. According to the Idaho State Communications Center Report, the Nez Perce Tribe was contacted by a Site representative on April 12, 2013 about a potentially radioactive cylinder that the representative claimed to have purchased through salvage at the Hanford Reservation several years ago. DOE RAP Team Officials identified the cylinder as an unlicensed, orphan depleted uranium source. The cylinder presented a health hazard because it was not secured and could go into circulation in the public. For example, if depleted uranium, a chemically toxic substance, were to become processed into smaller pieces, it could cause kidney damage if ingested or inhaled. Additionally, when orphan sources can easily be acquired for malicious purposes, such as radioactive dispersal devices, they can pose a serious threat to human health and the environment.

On June 18, 2013, OSC Weigel and EPA Contractors mobilized to the Site. The cylinder was packaged, labeled, and transported for disposal at a low-level radiation waste facility in accordance with EPA's Off-Site Disposal Rule.

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